

Report: State court system has improved efficiency

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by Brian Kladko

Journal staff

Four years after an independent commission described Massachusetts courts as "drowning in managerial confusion," the judicial branch has completed its first-ever examination of its own efficiency.

The report offers a mostly positive picture of the courts' ability to move cases through the system in 2006 as measured by criteria and standards set by court administrators. Most significantly, it states that the courts reduced by 50 percent the number of cases that dragged on beyond their expected duration. But the report also showed a slight increase, to 54 percent, in Superior Court civil cases that exceeded time standards.

The report is an attempt to improve the reputation of a \$569 million court system that has long prided itself on its jurisprudence but whose timeliness was ranked near the bottom of all states' courts in a 2001 U.S. Chamber of Commerce survey of corporate attorneys.

"There's always the concern that you're interfering with judges' prerogatives in setting trial dates and whatever, but the system is simply too big and too expensive not to apply the same kind of management and efficiencies that we insist on in educational institutions and health care institutions and likewise," said Michael Keating, a litigator at Foley Hoag LLP who chairs the court system's management advisory board.

The report also is intended as another step in repairing the frayed relations between the judiciary and the Legislature. Five years ago, the two branches were openly feuding over several issues: the Legislature's cuts to the judiciary's appropriations, legislators' use of the courts as a place for patronage jobs, the courts' mishandling of an information technology project and the Supreme Judicial Court of Massachusetts' insistence on funding of the state's Clean Elections law.

The situation led Chief Justice Margaret Marshall to convene a commission, headed by Boston College Chancellor J. Donald Monan, that called for centralizing more power in the chief justice's office, tougher performance standards for judges and court employees, and a focus on greater efficiency.

Chief Justice for Administration and Management Robert Mulligan, appointed to the post soon after that report, embarked on the "court metrics" project, adopting measures developed by the National Center for State Courts. Only one other state, Utah, has used the same set of criteria to evaluate its entire court system.

"Execution and timeliness are integral to the quality of justice," Mulligan said this week. "If it takes too long to get there, it's not quality justice. ... This is kind of a radical change in how we do business in the court system."

The report documents a large reduction of backlogs in the state's housing and land courts in 2006, much of it accomplished by officially disposing of cases that had already been resolved, Mulligan said.

Other findings:

- The court system had a clearance rate of 116 percent, above the target of 110 percent. (A 100 percent clearance rate means it's disposing of as many cases as are being filed; a rate above 100 percent means the system cleared out some of its backlog of cases.)
- The overall court system reduced the percentage of cases that exceeded their time standard to 74 percent from 79 percent.
- The average number of trial date settings stayed the same at 1.5 overall. But the Superior Court had the highest number of trial date settings, with both civil and criminal divisions averaging nearly three settings per case.

As for the increase in the percentage of Superior Court civil cases that exceeded their time standard, Mulligan said it might be due to a shifting of judges to criminal cases in response to a growth in indictments, especially in Springfield.

"There's no question that Superior Court judges have been working diligently," he said.